



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, SEPTEMBER 25, 2008**

**Invocation:** Pastor Don Vandeslice, Mosaic Austin

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, September 25, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:26 a.m.

**Announcement of future agenda items from Council:**

Council Member Leffingwell announced that in late October staff will brief Council on revisions needed to the Environmental Criteria Manual as it pertains to protecting the Barton Spring Redevelopment Zone. Any ordinances needed will be on Council's agenda in February, 2009.

Council Member Martinez announced he will work with the Austin Police Department to develop an ordinance amending the towing regulations to stop violations by some towing companies operating in Austin.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of August 28, 2008 and the special called meeting of September 8, 2008.  
The minutes from the meeting of August 28, 2008 and the September 8, 2008 special called meeting were approved.
2. Approve issuance of a rebate in the amount of \$51,216.37 to the Greater Austin Performing Arts Center, also known as the Long Center for the Performing Arts, for the installation of high efficiency lighting, chillers, cooling towers and NEMA premium motors at their newly renovated center at 701 W. Riverside Drive, Austin, Texas. Funding in the amount of \$51,216.37 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Electric Utility Commission.  
The motion issuing a rebate to the Greater Austin Performing Arts Center, also known as the Long Center for the Performing Arts, was approved.

3. Approve an ordinance authorizing acceptance of \$12,500 in grant funds from Research and Development Solutions, LLC, at the Department of Energy's National Energy Technology Laboratory, Pittsburgh, PA, and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$12,500 for administration of the Central Texas Clean Cities program. Funding in the amount of \$12,500 is available from Research and Development Solutions, LLC, at the Department of Energy's National Energy Technology Laboratory. Recommended by the Electric Utility Commission.  
**Ordinance No. 20080925-003 was approved.**
4. Approve issuance of a rebate in the amount of \$126,411.36 to Austin Samsung Semiconductor for the installation of energy efficient equipment at their new construction project at 12100 Samsung Boulevard, Austin, Texas. Funding in the amount of \$126,411.36 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Electric Utility Commission and the Resource Management Commission.  
**The motion issuing a rebate to Austin Samsung Semiconductor was approved.**
5. Authorize negotiation and execution of an Interlocal Agreement with the State of Texas Energy Conservation Office (SECO) for grant funding in the amount of \$30,000 to extend the City's involvement in the Clean Cities program with funding for twelve months. Grant funding in the amount of \$30,000 is available from the State of Texas Energy Conservation Office. Austin Energy will fund an in-kind match in the amount of \$30,000, available in the Fiscal Year 2008-2009 Austin Energy Operating Budget. Recommended by the Electric Utility Commission.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the State of Texas Energy Conservation Office (SECO) was approved.**
6. Approve an ordinance authorizing acceptance of \$100,000 grant funds from the State Energy Conservation Office (SECO) through an existing Interlocal Agreement and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$100,000 for the design, purchase and installation of solar photovoltaic systems in six schools within Austin Energy's service area. Funding in the amount of \$100,000 is available from the State Energy Conservation Office (SECO). Austin Energy will fund an in-kind match in the amount of \$50,000, available in the Fiscal Year 2008-2009 Austin Energy Operating Budget in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission on June 17, 2008.  
**Ordinance No. 20080925-006 was approved.**
7. Approve a two-year membership in the Texas Rail Relocation and Improvement Association, a statewide coalition of municipal, county and state elected officials, groups, and others, in support of an economic development initiative to relocate heavy rail traffic lines currently located within metropolitan areas in an amount not to exceed \$50,000 over two years. Funding in the amount of \$25,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining \$25,000 is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission.  
**The motion authorizing membership in the Texas Rail Relocation and Improvement Association was approved.**
8. Approve an ordinance authorizing negotiation and execution of an amendment to an existing cost reimbursement agreement with Walters Southwest Development allowing an increase in cost reimbursement for professional services costs for engineering design and project management for a total amount not to exceed \$456,765, changing the schedule for cost reimbursement payments; and waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payment schedule.

Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20080925-008 was approved.**

9. Authorize the execution of Contract Amendment No. 4 to the Interlocal Cooperation Agreement with Austin/Travis County Mental Health and Mental Retardation Center to amend the performance measures and to extend the contract for an additional 12 month period for the provision of treatment services for certain Class B enhanced public intoxication offenders known as Project Recovery in an amount not to exceed \$423,040. Funding in the amount of \$423,040 is available in the Fiscal Year 2008-2009 Operating Budget for this program for Community Court.

**The motion authorizing the execution of contract amendment number 4 to the interlocal cooperation agreement with Austin/Travis County Mental Health and Mental Retardation Center was approved.**

10. Approve an ordinance vacating the 8900 Block of Cameron Road to join the 0.8032 acre parcel to the adjacent 3.0750 acre property located on the east side of Pleasant Lane to allow the property owner to better utilize the property. Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.

**Ordinance No. 20080925-010 was approved.**

11. Authorize execution of a contract through the TASB Buy Board, a Cooperative Purchasing Network, with LD TEBBEN COMPANY INC., Austin, TX, for the purchase of weatherproofing and roofing services at the Public Access Community Television facility in an amount not to exceed \$175,000. Funding is available in the Fiscal Year 2008-2009 Capital Improvement Fund of the Finance and Administrative Services Department. Cooperative Purchase thru the TASB Buy Board, a Cooperative Purchasing Network. LD Tebben Company Inc. has been approved through the competitive bid procurement process outlined by Texas statute. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the execution of a contract through the TASB Buy Board, a Cooperative Purchasing Network, with LD Tebben Company Inc. was approved.**

12. Authorize execution of Change Order #5 to the construction contract with HAEGELIN CONSTRUCTION CO., LTD., Austin, TX for ACWP Govalle 2 - Travis Heights Wastewater Improvements in the amount of \$479,967 for a total contract amount not to exceed \$3,847,795.40. Funding in the amount of \$479,967 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 17.17% MBE and 8.42% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of change order number 5 to the construction contract with Haegelin Construction Co. Ltd. was approved.**

13. Authorize negotiation and execution of Change Order #6 to the construction contract with JAY-REESE CONTRACTORS, INC., (NON-CERTIFIED 79.64%) Austin, Texas, for the ACWP Govalle 5 - Wethersfield Hartford Wastewater Improvements in the amount of \$518,151, for a total contract amount not to exceed \$6,162,795. Funding in the amount of \$518,151 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by

meeting the goals with 6.54% MBE and 4.50% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of change order number 6 to the construction contract with Jay-Reese Contractors, Inc. was approved.**

14. Authorize execution of a construction contract with ASPHALT PAVING COMPANY OF AUSTIN, INC., Buda, Texas for the 2008 Miscellaneous Streets Overlay project in an amount of \$3,513,084.15 plus a \$175,654.21 contingency for a total contract amount not to exceed \$3,688,738.36. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 11.39% MBE and 45.01% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Asphalt Paving Company of Austin, Inc. was approved.**
15. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC., (MBE/MH-87.49%) Lago Vista, Texas for TSM - Braker at IH 35 Intersection Improvement in an amount of \$343,739.90 plus a \$17,187 contingency, for a total contract amount not to exceed \$360,926.90. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Lowest bid of three received. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 0.00% MBE and 4.36% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Austin Underground, Inc. was approved.**
16. Authorize negotiation and execution of an 18-month lease renewal with the possibility of future renewals for 8,000 square feet of office and warehouse space for the Vector Control Program of the Health and Human Services Department, located at 4122 Todd Lane, from MINA PARVEN, Austin, TX, in an amount not to exceed \$93,600 for the initial renewal. Funding in the amount of \$57,200 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of a lease renewal was approved.**
17. Approve the negotiation and execution of a 36-month lease renewal with the possibility of additional future renewals for 1,000 square feet of office warehouse space for the Environmental Resource Management Division of the Watershed Protection and Development Review Department, located at 720 Bastrop Highway, Suite 218, from BASTROP BUSINESS PARK, LP, Austin TX, in an amount not to exceed \$30,600 for the initial renewal term. Funding in the amount of \$9,350 is available in the Fiscal Year 2008-2009 Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.  
**The motion for the negotiation and execution of a lease renewal was approved.**
18. Authorize negotiation and execution of an amendment to the professional services agreement with the following 13 firms: ESPEY CONSULTANTS, INC., Austin, TX; MWM DESIGN GROUP (MBE/MH), Austin, TX; PBS&J, Austin, TX; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, TX; DAVCAR ENGINEERING SERVICES, (MBE/MH) Austin, TX; K FRIESE & ASSOCIATES, INC., (WBE/FW) Austin, TX; OTHON, INC., Austin, TX; HEJL, LEE & ASSOCIATES, INC., (MBE/MA) Austin, TX; JACOBS CARTER BURGESS, INC., Austin, TX; BROWN & GAY ENGINEERS, INC., Austin, TX; DANNENBAUM ENGINEERING COMPANY-AUSTIN, LLC, Austin, TX; BLACK & VEATCH CORPORATION, Austin, TX; and KELLOGG BROWN & ROOT, Austin, TX to provide

engineering services for the Water and Wastewater System Pipeline Engineering Rotation List for the Years 2008 through 2011 or until available funding authorization is expended, in the amount of \$9,750,000 in authorization plus \$750,000 unallocated to one firm for a total of \$10,500,000. Funding is available in the Fiscal Year 2008-2009 Capital and/or Operating and Maintenance budgets of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting goals with 16.50% MBE and 14.20% WBE subcontractor participation. Reviewed by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with the following 13 firms: Espey Consultants, Inc.; MWM Design Group (MBE/MH); PBS&J; Raymond Chan & Associates, Inc. (MBE/MA); Davcar Engineering Services, (MBE/MH); K Friese & Associates, Inc., (WBE/FW); Othon, Inc., Hejl, Lee & Associates, Inc., (MBE/MA); Jacobs Carter Burgess, Inc.; Brown & Gay Engineers, Inc.; Dannenbaum Engineering Company-Austin, LLC; Black & Veatch Corporation; and Kellogg Brown & Root was approved.**

19. Authorize negotiation and execution of a professional services agreement with BLACK & VEATCH CORPORATION, AUSTIN, TX for preliminary engineering and environmental consideration investigations for the Jollyville Transmission Main from Water Treatment Plant 4 project, in an amount not to exceed \$4,500,000. Funding is available Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Best qualification statement of 12 statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.50% WBE subconsultant participation. Reviewed by the Water & Wastewater Commission.

**The motion authorizing the negotiation and execution of a professional services agreement with Black & Veatch Corporation was approved.**

20. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, TX for additional preliminary engineering and program management services for the South I.H. 35 Water and Wastewater Infrastructure Improvements Program in an amount not to exceed \$3,597,794 for a total contract amount not to exceed \$6,597,794. Funding is available in the Fiscal Year 2007-2008 Capital budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise procurement Program) with 23.97% MBE and 14.67% WBE subconsultant participation to date. Reviewed by Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with URS Corporation was approved.**

21. Authorize negotiation and execution of amendment to the professional services agreement with LOCKWOOD, ANDREWS and NEWNAM, INC., Austin, TX, for additional design and construction phase services for the Spicewood Springs Pump Station Improvements in an amount not to exceed \$450,000, for a total authorization of \$1,250,000. Funding in the amount of \$450,000 is available in the Fiscal Year 2007-2008 Approved Capital Budget of the Austin Water Utility Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 16.50% MBE and 29.02% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Lockwood, Andrews and Newnam, Inc. was approved.**

22. Authorize negotiation and execution of a professional service agreement with the following two firms: INTERA INCORPORATED, Austin, TX and TRC ENVIRONMENTAL CORP., Austin, TX to provide

environmental consultation, engineering and project management services for Austin Energy Environmental Services Rotation List, for the years 2008 through 2011 or until available funding authorization is expended, each agreement not to exceed \$1,800,000 with a total of two agreements in an amount not to exceed \$1,800,000. Funding in the amount of \$1,800,000 is available in the Fiscal Year 2007-2008 Capital Budget and/or Operation budget of the Austin Energy Department. Best qualification statement of eleven statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subcontractor participation. Recommended by the Electric Utility Commission.

**The motion authorizing the negotiation and execution of a professional service agreement with the following two firms: Intera Incorporated and TRC Environmental Corp. was approved.**

23. Authorize reimbursement of costs to Multeck Community Center, L.P., a Delaware limited partnership of Simon Property Group, for the purchase and installation of underground chilled water piping and related equipment required to interconnect the Phase II residential, commercial and retail development to the Austin Energy district cooling system located at The Domain in an amount not to exceed \$2,500,000. Funding in the amount of \$2,500,000 is included in the Fiscal Year 2008-2009 Capital Budget for Austin Energy. This contract was originally approved as a cost reimbursement on August 4, 2005, and as such was in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Recommended by the Electric Utility Commission.

**The motion authorizing the reimbursement of costs to Multeck Community Center, L.P. a Delaware limited partnership of Simon Property Group was approved.**

24. Authorize negotiation and execution of an Interlocal Agreement with Austin Independent School District (AISD) for the provision of Emergency Medical Technician-Basic (EMT-B) training in Austin high schools for an initial term of one year, in an amount not to exceed \$8,000, with two 12-month renewal options, in an amount not to exceed \$8,000 per renewal option, for a total contract amount not to exceed \$24,000. Funding in the amount of \$8,000 was included in the Fiscal Year 2008-2009 Operating Budget of the EMS Department. Funding for the renewal options is contingent upon the available funding in future budgets.

**The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District (AISD) was approved.**

**Item 25 was pulled for discussion.**

26. Authorize negotiation and execution of an Interlocal Agreement for Fire Protection Services between the City of Austin and the City of Sunset Valley for the Austin Fire Department to provide fire protection and emergency service response to the full purpose and extra-territorial jurisdiction of the City of Sunset Valley for a period of one year beginning October 1, 2008 with options to renew for up to three one year terms. The City of Sunset Valley shall pay Austin an amount to be determined by multiplying the current fiscal year assessed valuation of Sunset Valley by the Fire Protection Tax Rate. Anticipated Revenue for 2008-2009 is \$445,000. Fiscal Year 2009-2010 revenue is anticipated to be \$455,000.

**This item was postponed to October 2, 2008.**

27. Approve the execution of Interlocal Agreements for certain public health services between the City of Austin and the Cities of Village of the Hills, Lakeway, Manor, Sunset Valley, Volente, and Westlake Hills for one-year terms beginning October 1, 2008, with options to renew for up to four one-year renewal terms. \$80,605 in revenue is included in the Fiscal Year 2008 - 2009 Operating Budget of the Health and Human Services Department.

The motion authorizing the execution of interlocal agreements between the City of Austin and the cities of Village of the Hills, Lakeway, Manor, Sunset Valley, Volente and Westlake Hills was approved.

28. Approve an ordinance amending Chapter 10-3, Food and Food Handlers, of the City Code by amending Chapter 10-3, Article 2, Food Manager and Food Handler Certifications; creating offenses and providing penalties. Related to Item #69.  
**Ordinance No. 20080925-028 was approved.**
29. Authorize negotiation and execution of Renewal and Amendment Number 1 to the Interlocal Agreement with Travis County under which the City of Austin will provide public health services, including animal control and shelter services, to Travis County for a one-year term beginning October 1, 2008, in exchange for compensation in the amount of \$2,967,883. Funding from Travis County in the amount of \$2,967,883 was included in the Fiscal Year 2008-2009 Budget of the Health and Human Services Department General Fund. The first renewal term of the agreement is for the period October 1, 2008 through September 30, 2009.  
**This item was withdrawn.**
30. Approve the execution of an Interlocal Agreement for public health services between the City of Austin and the City of Rollingwood for a one-year term beginning October 1, 2008, with options to renew for up to four one-year terms. \$6,270 in revenue is included in the Fiscal Year 2008 - 2009 Operating Budget of the Health and Human Services Department.  
**The motion authorizing the execution of an interlocal agreement between the City of Austin and the City of Rollingwood was approved.**
31. Approve an ordinance authorizing acceptance of \$12,038 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, Washington, D.C.; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund Ordinance 20070910-003 to appropriate \$12,038 for the Ryan White Part A HIV Minority AIDS Initiative grant program to improve human immunodeficiency virus-related health outcomes by reducing racial and ethnic health disparities. Funding in the amount of \$12,038 is available from the Department of Health and Human Services Health Resources and Services Administration. The grant period is from August 1, 2008 to July 31, 2009. No City match is required.  
**Ordinance No. 20080925-031 was approved.**
32. Approve an ordinance authorizing acceptance of \$361,072 in grant funds from the Texas Department of State Health Services, Division for Family and Community Health Services; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$361,072 to reduce the risk of unintentional injuries among children five and younger and to prevent and treat childhood obesity in a clinical care setting. Funding in the amount of \$361,072 is available from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, DIVISION FOR FAMILY AND COMMUNITY HEALTH SERVICES. The grant period is from September 1, 2008 through August 31, 2009. No city match is required.  
**Ordinance No. 20080925-032 was approved.**
33. Approve an ordinance authorizing acceptance of \$326,391 in grant funds from the Texas Department of State Health Services, Women, Infants, and Children Program; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$326,391 for expenses associated with the implementation of an Electronic

Benefits Transfer system and for supplemental funding to purchase equipment for overall clinic operations improvement. Funding in the amount of \$326,391 is available from the Texas Department of State Health Services, Women, Infants, and Children's Program. The grant period is October 1, 2007 through September 30, 2008. No City match is required.

**Ordinance No. 20080925-033 was approved.**

**Item 34 was pulled to be heard after the related Executive Session item.**

35. Approve an ordinance authorizing the acceptance of \$2,500 in grant funds from the American Library Association for a total grant amount of \$2,500 for the Let's Talk About It: Love and Forgiveness in the Light of Death grant program; and amending the Fiscal Year 2007-2008 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$2,500. Funding is available from the American Library Association. The grant period is August 30, 2008 through July 31, 2009.

**Ordinance No. 20080925-035 was approved.**

36. Authorize the City Manager to negotiate and execute a one-year service agreement with the Austin Housing Finance Corporation to manage and operate various housing programs on the City's behalf during Fiscal Year 2008-2009 funded by the City's Federal Housing and Urban Development funds and local housing funds in an amount not to exceed \$8,508,140. The sources to fund the service agreement include: (1) Grant Operating Budget - \$930,357 from the City of Austin's Neighborhood Housing and Community Development Housing Operating Fund; \$202,624 from the City's Housing Trust Fund; \$250,000 from the City's UNO-Housing Trust Fund; \$550,000 from the City's S.M.A.R.T. Housing(tm) Capital Improvement Project Fund; \$3,689,698 from the City's H.U.D. HOME Grant; \$2,307,708 from the City's H.U.D. Community Development Block Grant; \$41,137 from the City's H.U.D. American Dream Down Payment Grant; \$259,381 from the City's H.U.D. Community Development Block Grant Program Income Revolving Loan Fund; and, \$277,235 from the City's H.U.D. HOME Program Income. **The motion authorizing the City Manager to negotiate and execute a service agreement with the Austin Housing Finance Corporation was approved.**

37. Authorize the City Manager to negotiate and execute a one-year service agreement with the Austin Housing Finance Corporation to manage and operate various housing programs for the City during Fiscal Year 2008-2009 funded by proceeds from the City's General Obligation housing bonds in an amount not to exceed \$10,500,000. The source to fund the annual AHFC budget includes: \$10,500,000 from the City General Obligation Bonds funds.

**The motion authorizing the City Manager to negotiate and execute a service agreement with the Austin Housing Finance Corporation was approved.**

38. Approve second/third readings of an ordinance adopting an interim update to the Austin Tomorrow Comprehensive Plan. Recommended by Planning Commission.

**The second reading of the ordinance, with the following friendly amendment, was approved. Council Member Morrison and City staff presented a document containing all amendments proposed. Staff was directed to incorporate these amendments in the third reading of the ordinance and to post all the proposed changes on the web prior to the third reading.**

39. Approve third reading of an ordinance amending Chapter 25-2 of the City Code relating to University Neighborhood Overlay (UNO) District redevelopment requirements.

**Ordinance No. 20080925-039 was approved.**



40. Approve an ordinance authorizing acceptance of \$8,350 in grant funds from the State of Texas, Governor's Division of Emergency Management, Fiscal Year 2008 Emergency Management Performance Grant (EMPG) Program; and amending the Fiscal Year 2007-2008 Public Safety and Emergency Management Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$8,350 in funding for a total grant amount of \$133,350 to improve mitigation, preparedness, response, and recovery capabilities for the City of Austin. Funding in the amount of \$133,350 is available from the State of Texas, Governor's Division of Emergency Management. A match of \$133,350 is included in the Fiscal Year 2007-2008 Public Safety and Emergency Management Department Operating Budget.  
**Ordinance No. 20080925-040 was approved.**
41. Authorize negotiation and execution of an Interlocal Agreement with Austin Community College (ACC) for the temporary use of parkland for parking space.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Austin Community College (ACC) was approved.**
42. Authorize negotiation and execution of an Interlocal Agreement with the UNIVERSITY OF TEXAS LADY BIRD JOHNSON WILDFLOWER CENTER to prepare a plan to restore the native vegetation along West Bouldin Creek Greenbelt in an amount not to exceed \$40,000. Funding is included in the Fiscal Year 2007 - 2008 Capital Budget of the Watershed Protection and Development Review Department.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas Lady Bird Johnson Wildflower Center was approved.**
43. Authorize negotiation and execution of Amendment No. 2 to the Interlocal Agreement for Booking and Related Services between Travis County and the City of Austin the amount of \$5,052,328 for Fiscal Year 2008-2009. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department.  
**The motion to authorize the negotiation and execution of amendment number 2 to the interlocal agreement between Travis County and the City of Austin was approved.**

**Item 44 was pulled for discussion.**

45. Approve an ordinance authorizing acceptance of an additional \$4,500 in grant funding from the State of Texas, Office of the Comptroller of Public Accounts, Statewide Tobacco Education and Prevention Grant; and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$4,500 for a total grant amount of \$36,500 to reduce the distribution of cigarettes and tobacco products to minors. Funding in the amount of \$36,500 is available from the State of Texas, Office of the Comptroller of Public Accounts, Statewide Tobacco Education and Prevention Grant, to increase the enforcement and compliance of tobacco laws for the grant period September 1, 2008 - August 31, 2009. A cash match is not required.  
**Ordinance No. 20080925-045 was approved.**
46. Approve a resolution authorizing the City Manager to negotiate and execute Interlocal Agreements with municipalities affected by Hurricane Ike to provide aid, including, but not limited to, emergency personnel, debris removal personnel, equipment and other aid as requested by the affected municipalities.  
**Resolution No. 20080925-046 was approved.**
47. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Enfield Road, Exposition Boulevard, Lake

Austin Boulevard, and Atlanta Street/Winsted Lane; and correcting entries in Section 12-4-64(D). Funding in the amount of \$4,600 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.

**Ordinance No. 20080925-047 was approved.**

48. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Koenig Lane, North Lamar Boulevard, Airport Boulevard, and 51st Street. Funding in the amount of \$4,700 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20080925-048 was approved.**

49. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by W. Ben White Boulevard, W. Stassney Lane, Union Pacific Railroad tracks, and S. 1st Street; and to correct an entry in Section 12-4-64(D). Funding in the amount of \$6,900 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.  
**Ordinance No. 20080925-049 was approved.**

50. Approve an ordinance amending Section 13-2-173 of the City Code, relating to the use of Supplemental Vehicles in Ground Transportation Services other than Taxicabs. Recommended by the Urban Transportation Commission.  
**Ordinance No. 20080925-050 was approved.**

51. Authorize award and execution of a contract with SOLAR WORLD CALIFORNIA, Camarillo, CA to supply 128 solar photovoltaic modules in an amount not to exceed \$80,640. Funding is available in the Fiscal Year 2008-2009 Special Revenue Fund for Austin Energy. Grants were received from the Department of Energy (DOE) and the State Energy Conservation Office (SECO) for the Texas Solar for Schools Program. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract with Solar World California was approved.**

52. Authorize award and execution of a 36-month requirements service contract with ALLEGIANCE POWER SYSTEMS, Lago Vista, TX, for generator maintenance and repair services in an estimated amount not to exceed \$457,383, with three 12 month extension options in estimated amounts not to exceed \$179,037 for the first extension option, \$120,257 for the second extension option and \$152,719 for the third extension option, for a total estimated contract amount not to exceed \$909,396. Funding is available in the Fiscal Year 2008-2009 Operating Budgets of various City departments as follows: Finance and Administrative Services \$74,180 - (Building Services \$39,701), (Fleet Services \$12,633), (Communications & Technology Management \$4,189, Wireless Communication \$17,657); Austin Energy \$12,574; Austin Fire \$74,830; Austin Water Utility \$14,821; Library \$3,163; and the Austin Convention Center \$3,675. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid of seven bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a service contract with Allegiance Power Systems was approved.**

53. Authorize award, negotiation, and execution of an 18-month requirements supply and service contract with CUES, INC., Orlando, FL, for the purchase and installation of closed circuit television software and software maintenance and support in an estimated amount not to exceed \$319,031, with three 12-month extension options in estimated amounts not to exceed \$272,972 for the first extension option, \$26,600 for the second extension option, and \$26,600 for the third extension option, for a total estimated contract amount not to exceed \$645,203. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award, negotiation and execution of a requirements supply and service contract with Cues, Inc. was approved.**
54. Approve ratification of a contract with OTEK CORP., Tucson, AZ for the emergency purchase of blower repair parts for the Austin Water Utility (AWU) for a total contract amount not to exceed \$53,002. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Emergency Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion ratifying a contract with Otek Corp. was approved.**
55. Authorize award and execution of a 12-month requirements service contract with SYNAGRO OF TEXAS - CDR, INC., Tomball, TX, to provide biosolids hauling and land application for the Austin Water Utility in an estimated amount of \$1,000,000, with two 12-month extension options in an estimated amount not to exceed \$1,000,000 for each extension option, for a total estimated contract amount not to exceed \$3,000,000. Funding in the amount of \$1,000,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements service contract with Synagro of Texas – CDR, Inc. was approved.**
56. Authorize award and execution of a 36-month requirements supply contract with WENZEL WENZEL & ASSOC., INC., New Braunfels, TX, for the purchase of traffic cones for the Austin Water Utility in an estimated amount not to exceed \$156,600, with three 12-month extension options in an estimated amount not to exceed \$65,250 per extension option, for a total estimated contract amount not to exceed \$352,350. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of eight bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Wenzel Wenzel & Assoc., Inc. was approved.**

57. Authorize award and execution of a 36-month requirements service contract with MITCHELL TIME AND PARKING, Austin, TX for parking garage equipment maintenance and repair services and software maintenance and support services in an estimated amount not to exceed \$167,025, with three 12-month extension options in estimated amounts not to exceed \$58,459 for the first extension option, \$61,382 for the second extension option and \$64,451 for the third extension option, for a total estimated contract amount not to exceed \$351,317. Funding in the amount of \$167,025 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements service contract with Mitchell Time and Parking was approved.**
58. Authorize execution of an award with NEFF RENTAL INC., Austin, TX for one scissor lift and two boomlifts for the Austin Convention Center Department in an amount not to exceed \$187,458. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Convention Center Department. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the execution of an award with Neff Rental Inc. was approved.**
59. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with ROCKFORD BUSINESS INTERIORS, Austin, TX for the purchase and installation of carpet tile in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Convention Center Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. **The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Rockford Business Interiors was approved.**
60. Authorize award and execution of a 12-month requirements service contract through the State of Texas Multiple Award Schedule (TXMAS) with SIMPLEX GRINNEL, Austin, TX for inspection, testing, maintenance, and repair services of building security and access control systems for the Austin Convention Center in an estimated amount not to exceed \$178,075, with one 12-month extension option in an estimated amount not to exceed \$178,075, for a total estimated contract amount not to exceed \$356,150. Funding in the amount of \$178,075 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Funding for the extension option is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements service contract through the State of Texas Multiple Award Schedule (TXMAS) with Simplex Grinnel was approved.**
61. Authorize award and execution of a 36-month requirements service contract with TRI-STAR COMMERCIAL, LLC, Austin, TX for inspection, testing, maintenance, and repair services of building security and access control systems for the Palmer Events Center in an estimated amount not to exceed

\$236,700. Funding in the amount of \$78,900 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with Tri-Star Commercial, LLC was approved.**

62. Authorize award and execution of a 36-month requirements contract with ASSOCIATES MOVE & INSTALL, L.L.C., Austin, TX (MBE) for record storage containers in an estimated amount not to exceed \$234,000, with three 12-month extension options in estimated amounts not to exceed \$81,900 for the first extension option, \$85,995 for the second extension option, and \$90,295 for the third extension option, for a total estimated contract amount not to exceed \$492,190. Funding in the amount of \$78,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Office of the City Clerk. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements contract with Associates Move & Install, L.L.C. was approved.**

63. Authorize award, negotiation, and execution of a 39-month Interlocal Agreement with the Fort Worth Independent School District, Fort Worth, TX, for participation in the Texas Consortium Card Program with Bank of America for an estimated revenue of \$455,000, with four 12-month extension options for an estimated revenue of \$140,000 per extension option, for a total estimated revenue of \$1,015,000. No funding is required for this agreement as there are no fees assessed for using the program. As a result of the City's participation in this contract, revenue will be collected for every dollar purchased via ProCard and will offset the Support Services Fund expense budget. Funding from various departmental budgets is required to reimburse Bank of America for charges made on City of Austin ProCards to multiple vendors. There is no way to precisely quantify this amount in advance; currently the City averages approximately \$1,000,000 per month in credit card spending, half of which are against contracts that have been solicited competitively. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award, negotiation and execution of an agreement with the Fort Worth Independent School District was approved.**

64. Authorize award, negotiation, and execution of a 36-month requirements service contract with TRITECH SOFTWARE SYSTEMS, San Diego, CA, for maintenance and support of the TriTech computer aided dispatch system (VisiCAD), additional software modules and licenses, and consulting services in an estimated amount not to exceed \$3,662,380, with four 12-month extension options in estimated amounts not to exceed \$1,421,111 for the first extension option, \$1,538,222 for the second extension option, \$1,667,045 for the third extension option, and \$1,808,749 for the fourth extension option, for a total estimated contract amount not to exceed \$10,097,507. Funding in the amount of \$1,129,873 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management, CTECC. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority

Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation and execution of a requirements service contract with Tritech Software Systems was approved.**

65. Authorize award and execution of a 36-month requirements supply contract through the Texas Local Cooperative Purchasing Program (BuyBoard) with Southern Tire Mart, Ft. Worth, TX, for the purchase of tires and tubes in an estimated amount not to exceed \$1,456,000, with three 12-month extension options in estimated amounts not to exceed \$691,200 for the first extension option, \$829,440 for the second extension option, and \$995,328 for the third extension option, for a total estimated contract amount not to exceed \$3,971,968. AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$400,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. There is no unanticipated fiscal impact. A fiscal note is not required. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through the Texas Local Cooperative Purchasing Program (BuyBoard) with Southern Tire Mart was approved.**

66. Authorize award and execution of a 36-month requirements supply contract with STERLING WESTERN STAR OF AUSTIN, Austin, TX, for captive repair parts for Sterling Trucks in an estimated amount not to exceed \$315,250, with three 12-month extension options in estimated amounts not to exceed \$115,763 for the first extension option, \$121,551 for the second extension option, and \$127,628 for the third extension option, for a total estimated contract amount not to exceed \$680,192. Funding in the amount of \$100,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Sterling Western Star of Austin was approved.**

67. Authorize award and execution of a 36-month requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with TCI TIRE CENTERS, Temple, TX, for the purchase of tires, tubes, and tire repair services in an estimated amount not to exceed \$1,456,000, with three 12-month extension options in estimated amounts not to exceed \$691,200 for the first extension option, \$829,440 for the second extension option, and \$995,328 for the third extension option, for a total estimated contract amount not to exceed \$3,971,968. Funding in the amount of \$400,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with TCI Tire Centers was approved.**

68. Authorize award and execution of a 36-month requirements supply contract with Texas Alternator Starter Service, Austin, TX. for the purchase of rebuilt starters and alternators in an estimated amount not to exceed \$630,500, with three 12-month extension options in an estimated amount not to exceed \$231,525 for the first extension option, \$243,101 for the second extension option, and \$255,256 for the third extension option, for a total estimated contract amount not to exceed \$1,360,382. Funding in the amount of \$200,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply contract with Texas Alternator Starter Service was approved.**
69. Authorize award and execution of three 36-month revenue contracts with COURTESY TRAINING, Provo, UT, 360 TRAINING, Austin, TX, and THORNHILL TRAINING, Austin, TX for food handler and food manager training and certification with an estimated net combined revenue of \$355,950, with three 12-month extension options with an estimated net combined revenue of \$118,650 per extension option, for a total estimated net combined revenue of \$711,900. The estimated net combined revenue is \$118,650 per year. Best evaluated proposals of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation. Related to Item #28.  
**The motion authorizing the award and execution of three revenue contracts with Courtesy Training, 360 Training and Thornhill Training was approved.**
70. Authorize award, negotiation, and execution of a 12-month requirements service contract with WORTHAM INSURANCE AND RISK MANAGEMENT, Houston, TX for all risk property and boiler and machinery insurance and loss prevention services for Austin Energy in an estimated amount not to exceed \$2,350,273, with five 12-month extension options in estimated amounts not to exceed \$2,702,813 for the first extension option, \$3,108,235 for the second extension option, \$3,574,470 for the third extension option, \$4,110,641 for the fourth extension option and \$4,727,237 for the fifth extension option, for a total estimated contract amount not to exceed \$20,573,669. Funding in the amount of \$2,350,273 is available in the Fiscal Year 2008-2009 Operating Budget of the Human Resources Department. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified: therefore, no goals were established for this solicitation.  
**The motion authorizing the award, negotiation and execution of a requirements service contract with Wortham Insurance and Risk Management was approved.**
71. Authorize award and execution of a 36-month requirements service contract with (OCLC) Online Computer Library Center, Inc., Dublin, OH for online cataloging services for the Austin Public Library in an estimated amount not to exceed \$244,680, with three 12-month extension options in estimated amounts not to exceed \$94,415 for the first extension option, \$99,136 for the second extension option, and \$104,094 for the third extension option, for a total estimated contract amount not to exceed \$542,325. Funding in the amount of \$82,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Library Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of two

bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with (OCLC) Online Computer Library Center, Inc. was approved.**

72. Authorize award and execution of a 36-month requirements service contract with JESSIE LEE COBURN, Austin, TX, for court reporting services at the Municipal Court in an estimated amount not to exceed \$526,626, with three 12-month extension options in estimated amounts not to exceed \$193,382 for the first extension option, \$203,051 for the second extension option, \$213,203 for the third extension option, for a total estimated contract amount not to exceed \$1,136,262. Funding in the amount of \$167,050 is available in the Fiscal Year 2008-2009 Operating Budget of the Municipal Court Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with Jessie Lee Coburn was approved.**

73. Approve ratification of Amendment No. 1 to a contract with SILVIA B. KENIG, INC., Austin, TX (WBE) to increase the contract amount for Spanish language interpretation services required for the Municipal Court in an amount not to exceed \$8,823, for a revised total contract amount not to exceed \$58,823. Funding in the amount of \$8,823 is available in the Fiscal Year 2007-2008 Operating Budget of the Municipal Court Department. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion ratifying amendment number 1 to a contract with Silvia B. Kenig, Inc. was approved.**

74. Authorize award and execution of a contract with DAVEY RESOURCE GROUP, Kent, OH for tree assessment services for the Barton Spings Pool area in an amount not to exceed \$56,456. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Davey Resource Group was approved.**

75. Approve second reading of an ordinance granting a renewal of a franchise agreement to Pedernales Electric Cooperative ("PEC") to provide electric utility services within its certificated area. Estimated annual franchise revenue in the amount of \$879,000 is anticipated under this franchise agreement.

**The second reading of the ordinance was approved.**

76. Approve a resolution granting approval of gas rate tariffs proposed by Atmos Energy Corporation, Mid-Tex Division.

**Resolution No. 20080925-076 was approved.**

77. Approve an ordinance to extend the timeframe for final platting of the Northtown Municipal Utility District property and to contain any other amendments or clarifications which may be appropriate.

**Ordinance No. 20080925-077 was approved.**



78. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

Board

Nominated By:

2006 Bond Oversight Committee

Dave Anderson

Michael Casias

Beverly Silas

Council Member Shade

Council Member Martinez

Council Member Cole

Austin Community Education Consortium

Connie Sadowski

Mayor Wynn

Austin-Travis County MHMR Board of Trustees

Roberto T. Chapa, Jr.

Toni Inglis

Mayor Wynn

Mayor Wynn

Child Care Council

Ariel Cloud

*representative - Austin Independent School District*

Margie Sanford

Mayor Wynn

Council Member Shade

Community Development Commission

Bo McCarver

Council Member Leffingwell

Construction Advisory Committee

Gaynell Wilson

Council Member Morrison

Downtown Commission

Rich Garza

*representative - Austin Music Commission*

Linda Guerrero

*representative - Parks and Recreation Board*

Dustin Lanier

*representative - Urban Transportation Commission*

Council Member Martinez

Council Member Martinez

Mayor Pro Tem McCracken

Ethics Review Commission

Susan Morrison

Lisa Tsai

Council Member Morrison

Council Member Shade

Housing Authority of the City of Austin

Thelma Pannell

Mayor Wynn

Library Commission

Gretchen Hoffman

Council Member Shade

Mechanical, Plumbing and Solar Board

William Harris, Jr.

Council Member Shade

Mexican American Cultural Center Advisory Board

Juan Oyervides

Council Member Leffingwell

Urban Renewal Agency

Kevin Cole

Mayor Wynn

Item 79 was pulled for discussion.

80. Approve a resolution endorsing the Rapid Anticonvulsant Medication Prior to Arrival Trial (RAMPART) clinical trial research initiative at University Medical Center Brackenridge as part of the community consent for the clinical trial. (Council Member Lee Leffingwell Council Member Mike Martinez )  
**Resolution No. 20080925-080 was approved.**
81. Approve a resolution detailing the Holly Good Neighbor Program funding plan for Fiscal Year 2008-2009. (Council Member Mike Martinez Council Member Lee Leffingwell )  
**Resolution No. 20080925-081 was approved.**
82. Approve a resolution allowing real property owned by the City of Austin within the boundaries of a proposed Historic Area Combining District to be considered as contributing up to 20 percent of the 60 percent threshold of land ownership required for a petition to initiate zoning for such a proposed District. (Council Member Laura Morrison Council Member Lee Leffingwell )  
**Resolution No. 20080925-082 was approved.**
83. Approve a resolution authorizing the City Manager to reimburse a cost, not to exceed \$20,000, for providing peace officers at the Old Pecan Street Festival to be held on September 20-21, 2008; and to begin negotiations with the organizers of the Old Pecan Street Festival to formalize an ongoing cost-sharing partnership that will incorporate the findings and recommendations of the City Auditor. (Council Member Mike Martinez Mayor Pro Tem Brewster McCracken Council Member Sheryl Cole)  
**Resolution No. 20080925-083 was approved.**
84. Approve a resolution directing Austin Energy to work with the Environmental Defense Fund and other stakeholders to evaluate potential approaches for increasing AE's clean energy and distributed generation capacity, and to provide recommendations to Council by November 20, 2008. (Mayor Pro Tem Brewster McCracken Council Member Randi Shade Council Member Laura Morrison)  
**Resolution No. 20080925-084 was approved.**
85. Approve waiver of certain fees and requirements for the Marathon Kids 2008-2009 Kick Off Celebration to be held Saturday, October 4, 2008. (Mayor Will Wynn Council Member Sheryl Cole Council Member Lee Leffingwell)  
**The motion for waiver of certain fees and requirements for the Marathon Kids 2008-2009 Kick Off Celebration was approved.**
86. Approve an ordinance waiving certain Austin Water Utility meter fees associated with the construction of the Family Eldercare office to be located at the former Robert Mueller Municipal Airport in an amount not to exceed \$8,293.90. (Council Member Lee Leffingwell Council Member Randi Shade )  
**Ordinance No. 20080925-086 was approved.**

87. Approve waiver of fees and requirements under Chapter 14 of the City Code for the National Alliance on Mental Illness' 3rd Annual NAMIWALK to be held on October 4, 2008. (Council Member Lee Leffingwell Mayor Will Wynn Mayor Pro Tem Brewster McCracken)  
**The motion for waiver of fees and requirements for the National Alliance on Mental Illness' 3<sup>rd</sup> Annual Namiwalk was approved.**
88. Approve waiver of certain park rental fees and requirements for the Texas League of United Latin American Citizens (LULAC) Elderly Conference to be held at Dove Springs Recreation Center on October 24-25, 2008. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)  
**The motion for waiver of certain park rental fees and requirements for the Texas League of United Latin American Citizens (LULAC) Elderly Conference was approved.**
89. Approve waiver or reimbursement of fees and requirements under Chapter 14 of the City Code for the Thundercloud Subs Turkey Trot to be held on November 27, 2008. (Council Member Randi Shade Council Member Sheryl Cole Mayor Will Wynn)  
**The motion for waiver or reimbursement of fees and requirements for the Thundercloud Subs Turkey Trot was approved.**
90. Approve the waiver of certain park rental fees for a conference hosted by the Texas and Austin Chapters of the National Organization of Women to be held on October 18, 2008. (Council Member Sheryl Cole Council Member Laura Morrison Council Member Randi Shade)  
**The motion for the waiver of certain park rental fees for a conference hosted by the Texas and Austin Chapters of the National Organization of Women was approved.**
91. Set a public hearing to consider the use of approximately 7,603 square feet (0.1745-acre) for a permanent drainage easement to construct, use, maintain, repair, and replace a stormdrain line and appurtenances for construction of a portion of the Blunn Creek - Storm Drain Improvements Project (CIP ID 5789.019) through dedicated parkland known as the Blunn Creek Preserve Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: October 23, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any restoration will be paid by requester. Recommended by Parks and Recreation Board.  
**The public hearing was set for October 23, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.**
92. Set a public hearing to consider a resolution regarding the use of approximately 52,588 square feet (1.207 acres) for Permanent Wastewater use and approximately 225,000 square feet (5.165 acres) for Temporary Working Space and Temporary Staging and Material Site use for the construction of the Southeast Wastewater Improvements, SER #2282 (CIP ID 5028.007) through dedicated parkland known as Morris Williams Golf Course, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: October 23, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by Parks and Recreation Board with conditions.  
**The public hearing was set for October 23, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.**

Item 93 was a briefing item set for 10:30 a.m.

Items 94 through 99 were Executive Session items.

Item 100 was a briefing item set for 2:00 p.m.

Items 101 through 135 were zoning items set for 4:00 p.m.

Items 136 through 147 were public hearing items set for 6:00 p.m.

### DISCUSSION ITEMS

25. Approve a resolution ratifying the Meet and Confer Agreement between the City and the Austin-Travis County EMS Employees Association relating to wages and terms and conditions of employment for Austin Travis County EMS uniformed employees. Funding is included in the Fiscal Year 2008-2009 Operating Budget of the General Fund. Funding for subsequent years is subject to appropriation by City Council.

**Resolution No. 20080925-025 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

44. Approve a Resolution ratifying the Meet and Confer Agreement between the City and the Austin Police Association relating to wages, hours, and terms and conditions of employment for Austin Police Officers. Funding is included in the Fiscal Year 2008- 2009 Operating Budget of the General Fund. Funding for subsequent years is subject to appropriation by City Council.

**Resolution No. 20080925-044 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

### CITIZEN COMMUNICATION: GENERAL

Del Womack -- City operated municipal golf courses mainly Morris Williams

Rita Gonzalez- Garza -- MBE/WBE - Minority Contracting

Bruce Kline -- Problems with the City. **He was not present when his name was called.**

Paul Robbins -- City Issues

Cynthia Valadez -- Diversity, protocol and Respect

Edna Iruegas -- Issue that arose with City Manager Ott -- **She was not present when her name was called.**

Ailana Larson -- Safety, Noise Ordinance and Downtown Zoning

Mary Parlin -- Senior Lunch Program and the noise solution level created by the construction of Four Seasons new buildings. **She donated her time to Ailana Larson.**

Kenneth Koym -- In regard to Mr. Ott defaming Latinos; making libelous his comments

Diana Castaneda -- Community Relations

### BRIEFING

93. Briefing on the draft Request for Qualifications (RFQ) for a new Comprehensive Plan.

The presentation was made by Garner Stoll, Assistant Director for Neighborhood Planning and Zoning Department.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:18 p.m.

#### EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

94. Discuss legal issues relating to a development agreement establishing use and site development regulations for Austin Community College. (Private Consultation with Attorney - Section 551.071).  
**This item was withdrawn.**
95. Deliberate the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Real Property - Section 551.072).
96. Discuss legal issues related to a proposed ordinance amending Chapter 2-2 of the City Code relating to contributions and expenditures in city elections, providing for criminal penalties. (Private Consultation with Attorney - Section 551.071).
97. Discuss legal issues related to the Stop Domain Subsidies proposed charter amendment and its effect on City projects and economic development agreements. (Private Consultation with Attorney - Section 551.071). Related to Item #34.
98. Discuss legal issues related to the death of Solid Waste Services employee, Jonathan Guyton. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:08 p.m.

#### BRIEFING

100. Staff presentation on the Historic Preservation Program  
The presentation was made by Steve Sadowsky, Planner Senior for Neighborhood Planning and Zoning Department.

#### DISCUSSION ITEMS CONTINUED

79. Approve third reading of an ordinance amending Chapter 2-2 of the City Code relating to contributions and expenditures in city elections; and creating a penalty. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Randi Shade)  
**Ordinance No. 20080925-079 was approved with the following amendment on emergency passage on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member Shade was off the dais. The addition was to add the following provision, "2-2-57 Restrictions on Expenditures By Affiliated Person. A person who is considered a candidate under Section 2-2-2 (5)(c) (Definitions), shall not make an expenditure from funds that have not been lawfully accepted by a candidate or a candidate's campaign committee."**

34. Authorize negotiation and execution of a legal services agreement with Vinson and Elkins, LLP for legal counsel concerning the effect of Stop Domain Subsidies on the Mueller Development, in an amount not to exceed \$75,000; and authorize legal proceedings seeking a declaration concerning the effect of Stop Domain Subsidies (Proposition 2 on November 4, 2008 ballot) on the City's Mueller Development existing and future contracts and bonds. Funding in the amount of \$75,000 is available in the Economic Development Fund. Related to Item #97.
- The motion authorizing the negotiation and execution of a legal services agreement with Vinson and Elkins, LLP was approved on Mayor Pro Tem McCracken's motion, Council Member Shade's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:57 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 5:00 p.m.

### **ZONING CONSENT ITEMS**

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Leffingwell's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

101. C14-2007-0232 - Rundberg Business Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 E. Rundberg Lane (Little Walnut Creek Watershed) from multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 1; and multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 2 to warehouse-limited office-conditional overlay (W/LO-CO) combining district zoning for Tract 1, and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2. First reading approved on August 28, 2008. Vote: 7-0. Applicant: Rundbrg Business Park (John Dimeblid). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.
- This item was postponed to November 6, 2008 at the applicant's request.**
102. C14-2008-0100 - South Congress Storage Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8008 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on August 21, 2008. Vote: 6-0 (Shade off the dais). Applicant: Mark S. Yandow. Agent: Bryan Webb. City Staff: Wendy Rhoades, 974-7719.
- Ordinance No. 20080925-102 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
103. C814-96-0003.07 - Pioneer Crossing PUD Amendment #7 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the northeast intersection of Samsung Boulevard and Sprinkle Cutoff Road (Harris Branch and Walnut Creek Watersheds) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. First reading approved on July 24, 2008. Vote: 7-0. Applicant: Pioneer Austin East Development I, Ltd. (Ralph Reed). Agent: Longaro & Clarke, L.P. (Alex G. Clarke/Walter Hoysa). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20080925-103 for planned unit development (PUD) district zoning to change a condition of zoning was approved.

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

104. C14-2007-0262 - Central Austin Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Central Austin Combined Neighborhood Planning Area, bounded by 38th Street on the north, IH-35 on the east, Martin Luther King, Jr. Boulevard on the south, excluding the University of Texas at Austin campus, and Lamar Boulevard and 45th Street on the west (Shoal Creek, Waller Creek watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Central Austin Combined Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To be reviewed on October 28, 2008. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhaktal, 974-6453.  
**This item was postponed to November 20, 2008 at the staff's request.**
105. C14-2008-0076 - Tech Ridge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as East Parmer Lane (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. Staff Recommendation: To grant limited industrial service-planned development area (LI-PDA) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-planned development area (LI-PDA) combining district zoning. Applicant: Centerstate 99, Ltd. (Bob Liverman). Agent: Armbrust & Brown, L.L.P. (Amanda Morrow). City Staff: Sherri Sirwaitis, 974-3057.  
**The first reading of the ordinance for limited industrial service-planned development area (LI-PDA) combining district zoning was approved.**
106. C14-2008-0141 - EDI Parkfield Expansion - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11100 Parkfield Drive (Walnut Creek Watershed) from neighborhood office (NO) district zoning, and limited office-conditional overlay (LO-CO) combining district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Economy Dental, Inc. (Rachel Molina Gress). Agent: Don Murphy. City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20080925-106 for limited office-conditional overlay (LO-CO) combining district zoning was approved.**
107. C14-06-0069(RCT) - The Project at 6th & Congress - Conduct a public hearing to approve termination of a restrictive covenant for the property located at 120 E. 5th Street and 121 E. 6th Street (Town Lake Watershed). Staff Recommendation; To terminate the restrictive covenant. Planning Commission

Recommendation; To terminate the restrictive covenant. Applicant: Walton Stacy Office partners IV., L.P. (Tom Stacy). Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Clark Patterson, 974-7691.

**The motion terminating the restrictive covenant was approved.**

108. C14-2008-0143 - The Project at Sixth and Congress-East - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 120 E. 5th Street and 121 E. 6th Street (Town Lake Watershed) from central business district-central urban redevelopment (CBD-CURE) combining district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning. Applicant: Walton Stacy Office Partners IV., L.P. (Tom Stacy). Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Clark Patterson, 974-7691.  
**Ordinance No. 20080925-108 for central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning was approved.**
109. C14-06-0071(RCT) - Project at Sixth & Congress - Conduct a public hearing to approve termination of a restrictive covenant for the property located at 501 N. Congress Avenue (Town Lake Watershed). Staff Recommendation: To terminate the restrictive covenant. Planning Commission Recommendation: To terminate the restrictive covenant. Applicant: Walton Stacy Office Partners IV., L.P. (Tom Stacy). Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Clark Patterson, 974-7691.  
**The motion terminating the restrictive covenant was approved.**
110. C14-2008-0144 - Project at Sixth and Congress-West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 501 N. Congress Avenue (Town Lake Watershed) from central business district-central urban redevelopment (CBD-CURE) combining district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning. Planning Commission Recommendation; To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning. Applicant: Walton Stacy Office Partners IV., L.P. (Tom Stacy). Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Clark Patterson, 974-7691.  
**Ordinance No. 20080925-110 for central business district-central urban redevelopment (CBD-CURE) combining district zoning to change a condition of zoning was approved.**
111. C14-2008-0153 - One Hour Martinizing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900 West Parmer Lane (South Brushy Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Neenah Group Investments, L.P. John E. Simmons). Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20080925-111 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**



112. C14-2008-0020 - Sundberg Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8219 Burleson Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; and general commercial services-mixed use (CS-MU) combining district zoning with conditions for Tract 2. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1, and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning for Tract 2 with conditions. Applicants: Joan Elaine Frensley Smith; Frances E and Robert W. Bauman; Sundberg Farm Limited Partnership (Jean and Marvin Chernosky); Sundberg C&C Partners, Ltd. (Camille C. Mealy); Ralph & Olga Schneider Family Partnership (Elaine Schnieder and John P. Schneider, M.D.); and Robert Carl Wolter. Agent: Bury & Partners (Melissa Matthiesen). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed to October 16, 2008 at the applicant's request.**
113. C14-2008-0147 - Lopez Hardware and Lumber - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10037 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation; To grant commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Lopez Hardware and Lumber Company, Inc. (David L. Lopez, Jr.) Agent: Turner Law Office, P.L.L.C. (Sam Turner). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20080925-113 for commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
114. C14-2008-0116 - Radam Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 608 and 610 Radam Lane (West Bouldin Creek and Williamson Creek Watersheds) from family residence (SF-3) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office (GO) district zoning. Applicant: Susan Bushong and Tim O'Leary. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.  
**The first reading of the ordinance for general office (GO) district zoning was approved. The conditions were: the owner of the property or their representative will participate and cooperate with the Southwood Neighborhood Association on the Southwood Neighborhood Association's objective to have a pedestrian path on the property to the west of the above tract that connects 629 West Ben White (City Market) and Radam Lane; there will be no requests for parking variances; parking will be reduced only per current available code guidelines; the site will comply with Design Standards, Subchapter E, as though it were an Urban Street; and if a building on the site exceeds 50 feet in height, the side facing Radam Lane must be an Active Edge as defined in the Saltillo Station Area Plan.**
115. C14-2008-0157 - Wolfe Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4707 Commercial Park Drive (Walnut Creek Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO)

combining district zoning. Applicant and Agent: Wolfe Commonwealth, I, Ltd. (Jack Wolfe). City Staff: Joi Harden, 974-2122

**Ordinance No. 20080925-115 for limited industrial service-conditional overlay (LI-CO) combining district zoning was approved.**

116. C14-2008-0178 - Canyon Creek Preserve -Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13543 1/2 N. F.M. 620 Road Eastbound (Bull Creek Watershed) from multi-family residence-low density (MF-2) district zoning; multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning; townhouse and condominium residence (SF-6) district zoning; and single-family residence-standard lot (SF-2) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Planning Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin, Contract and Land Management (Laurain Rizer). Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Clark Patterson, 974-7691.  
**Ordinance No. 20080925-116 for public (P) district zoning was approved.**
117. C14-2008-0150 - 808 Nueces - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 808 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Stephen Adler. Agent: Holford Group (Charles Dunn). City Staff: Clark Patterson, 974-7691.  
**This item was postponed to October 16, 2008 at the neighborhood's request.**
118. C14-2008-0149 - 2301 E. Riverside Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 E. Riverside Drive (Town Lake Watershed) from neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning for Tract 1, and limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning for Tract 2 to neighborhood commercial-vertical mixed use building-conditional overlay- neighborhood plan (LR-V-CO-NP) combining district zoning for Tract 1, and limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning for Tract 2. Staff Recommendation: To grant neighborhood commercial-vertical mixed use building-conditional overlay- neighborhood plan (LR-V-CO-NP) combining district zoning for Tract 1, and limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning for Tract 2. Planning Commission Recommendation: To grant neighborhood commercial-vertical mixed use building-conditional overlay- neighborhood plan (LR-V-CO-NP) combining district zoning for Tract 1, and limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning for Tract 2. Agent: Riverside Interest, L.P. (Charles Tames). Agent: UTE Consultants (Joan Ternus). City Staff: Joi Harden, 974-2122.  
**Ordinance No. 20080925-118 for neighborhood commercial-vertical mixed use building-conditional overlay-neighborhood plan (LR-V-CO-NP) combining district zoning for Tract 1, and limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning for Tract 2 was approved.**
119. C814-2008-0165 - East Riverside PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 222 & 300 East Riverside Drive (Town Lake/East Bouldin Creek Watersheds) from lake commercial-vertical mixed use-neighborhood plan (L-V-NP) combining district zoning (Tract 1) and lake commercial-neighborhood plan (L-NP) combining district zoning (Tract 2) to planned unit development-neighborhood plan (PUD-NP)

combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning. PLanning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning. Applicant: CWS Riverside Square, L.P. (Greg Miller). Agent: Armbrust & Brown, L.L.P. (Richard Suttle). City Staff: Clark Patterson, 974-7691.

**The public hearing was held open and the first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning was approved.**

120. C14H-2008-0019 - Blondie Pharr House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 Highland Avenue (Shoal Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning; or in the alternative, to require HABS Level II documentation of the structure prior to demolition. Historic Landmark Commission recommendation: To grant multi-family residence-moderate-high density-historic landmark- neighborhood plan (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

**This item was postponed to October 16, 2008 at the owner's request.**

121. C14H-2007-0017 - Dorothy Nichols Duplex - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 Lorrain Street (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-medium density-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Staff recommendation: To grant multi-family residence-medium density-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant multi-family residence-medium density-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant multi-family residence-medium density-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

**This item was withdrawn.**

122. NPA-2008-0023.01 - Windsor Park Development - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-055, the University Hills/Windsor Park Neighborhood Plan, an element of the Comprehensive Plan, to change the land use designation of 5908 Manor Road from high density single-family residential to mixed use. Staff Recommendation: To deny mixed use for Tract 1 and to grant mixed use for Tracts 2 and 3. Planning Commission Recommendation: To grant mixed use. Applicant: Community Partnership for the Homeless (Frank Fernandez). Agent: Arthur Sampson. City Staff: Paul DiGiuseppe, 974-2865.

**This item was withdrawn.**

123. C14-2008-0057.SH - Windsor Park Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5908 Manor Road (Boggy Creek Watershed) from townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning for Tracts 1 and 3, and neighborhood commercial-neighborhood plan (LR-NP) combining district zoning for Tract 2. Staff Recommendation: To grant townhouse and condominium

residence-neighborhood plan (SF-6-NP) combining district zoning for Tract 1, and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning for Tracts 2 and 3. Planning Commission Recommendation: To grant multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning for Tracts 1 and 3, and neighborhood commercial-neighborhood plan (LR-NP) combining district zoning for Tract 2. Applicant: Community Partnership for the Homeless (Frank Fernandez). Agent: Arthur Sampson. City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.

**This item was withdrawn.**

124. NPA-2007-0012.02 - 1600 Block of East MLK (1600, 1602, 1604, and 1606 E. Martin Luther King Jr. Blvd.) - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to mixed use for the properties located at 1600, 1602, 1604, and 1606 E. Martin Luther King, Jr. Blvd. (Boggy Creek Watershed). Staff Recommendation: To grant neighborhood mixed use. Planning Commission Recommendation: To grant neighborhood mixed use. Applicant: E-MLK Properties LLC. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Kathleen Fox, 974-7877  
**This item was postponed to October 16, 2008 at the applicant's request.**
125. C14-2008-0099 - 1600 Block of East MLK - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600, 1602, 1604 and 1606 E. Martin Luther King Jr. Boulevard (Upper Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-conditional overlay- neighborhood plan (LR-V-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-conditional overlay- neighborhood plan (LR-V-MU-CO-NP) combining district zoning. Applicant: E-MLK Properties, L.L.C.. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to October 16, 2008 at the applicant's request.**
127. NPA-2007-0009.03 - Petty Property - Conduct a public hearing and approve an ordinance amending Ordinance 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish mixed use land use designation on the future land use map (FLUM) for the properties located at 908 E. 15th Street (Tract 1); 807 E. 16th Street (Tract 2); and 1506 Waller Street (Tract 3). Staff Recommendation: To approve single family land use designation for 908 E. 15th Street (Tract 1); and neighborhood mixed use land use designation for 807 E. 16th Street (Tract 2) and 1506 Waller Street (Tract 3). Planning Commission Recommendation: To deny mixed use land use designation for 908 E. 15th Street (Tract 1); 807 E. 16th Street (Tract 2); and 1506 Waller Street (Tract 3). Applicant and Agent: Stahl, Bernal & Davies, L.L.P. (Alison Gardner). City Staff: Minal Bhakta, 974-6453.  
**This item was postponed to November 6, 2008 at the applicant's request.**
128. C14-2008-0166 - Petty Property - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 908 E. 15th Street, 807 E. 16th Street, and 1506 Waller Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning (Tract 1) to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 2-3. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning for Tract 1; and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP)

combining district zoning for Tracts 2-3. Planning Commission Recommendation: To deny community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Stephen Petty. Agent: Stahl, Bernal & Davies, L.L.P. (Alison Gardner). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to November 6, 2008 at the applicant's request.**

130. C14-2008-0052- TJG - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9609 Swanson's Ranch Road (Slaughter Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To deny general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant: T.J. Greaney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to October 16, 2008 at the neighbor's request.**

131. C14-2008-0112 - Minware - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4209 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Planning Commission Recommendation: To deny community commercial (GR) district zoning. Applicant and Agent: Robert W. Anderson, Jr. City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

**This item was withdrawn.**

132. NPA-2007-0001.02 - Wilson Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 980827-B, the Dawson Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation from single-family to multi-family on the future land use map (FLUM) for the properties located at 2525 Durwood Street (East Bouldin Creek Watershed.) Staff Recommendation: To grant multi-family designation. Planning Commission Recommendation: To grant multi-family designation for 2525 Durwood Street. Applicant: Cobalt Partners, Ltd. (Mitch Ely). Agent: Mike McHone Real Estate. City Staff: Dee Dee Quinnelly, 974-2976.

**The public hearing was held open and the first reading of the ordinance for multi-family designation for 2525 Durwood Street was approved.**

133. C14-2008-0126.SH - Wilson Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2602, 2606 & 2610 Wilson Street (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning for Tract 1; family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning for Tract 2; and multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning for Tract 3. Staff Recommendation: To grant multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning for Tract 1; and multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning for Tract 3. Planning Commission Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning for Tract 1; family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning for Tract 2; and multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning for Tract 3.

Applicant: Cobalt Partners (Mitch Ely). Agent: Mike McHone Real Estate (Mike McHone). City Staff: Clark Patterson, 974-7691.

The public hearing was held open and the first reading of the ordinance for multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning for Tract 1; family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning for Tract 2; and multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning for Tract 3 was approved.

Mayor Wynn recessed the Council Meeting for Live Music and Proclamation and to go into Executive Session at 5:40 p.m.

#### EXECUTIVE SESSION CONTINUED

99. Discuss legal issues relating to a franchise ordinance for Solid Waste haulers. (Private Consultation with Attorney -Section 551.071).

#### LIVE MUSIC

Chadd Thomas and the Crazy Kings

#### PROCLAMATIONS

The Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:24 p.m.

#### ZONING DISCUSSION ITEMS

126. C14-2008-0175 - Delwood 4, Block F, Lot 22 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1216 Corona Drive (Tannehill Branch Watershed) from community commercial-vertical mixed use-conditional overlay neighborhood plan (GR-V-CO-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.

**The public hearing was closed and Ordinance No. 20080925-126 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

129. C14-2008-0025 - Circle Oaks Business Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3107, 3109 and 3111 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: James Gang Living Trust (Carol and Max James); Marsha and Robert Pittman. Agent: McClean & Howard, L.L.P. (Jeff Howard). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**The public hearing was closed and Ordinance No. 20080925-129 for general office-conditional overlay (GO-CO) combining district zoning with conditions was approved on Council Member**

Cole's motion, Council Member McCracken's second on a 6-1 vote. Council Member Morrison voted nay. The conditional overlay allows personal services (hair salon) and all other LO uses; medical offices 5,000 square feet and smaller in size; all limited office (LO) district uses; personal services as only permitted general office (GO) use; limited to the existing impervious cover on-site to 42.6%; limits the number of driveways on west Slaughter Lane to one; and prohibits access to Rochelle Drive via the platted access easement.

A friendly amendment was made by Council Member Morrison to take this item on first reading only. The friendly amendment was not accepted by the maker of the motion.

134. C14-2008-0128 - 5005 Spicewood Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5005 Spicewood Springs Road (Bull Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny limited office-mixed use (LO-MU) combining district zoning. Applicant: Morin Scott. Agent: Wiler & Associates (Holland Wiler). City Staff: Clark Patterson, 974-7691. The motion to close the public hearing and deny limited office-mixed use (LO-MU) combining district zoning that was made by Council Member Morrison failed due to the lack of a second.

The motion to close the public hearing and approve on first reading limited office-mixed use (LO-MU) combining district zoning was made by Council Member Martinez', seconded by Council Member Shade. The condition was to limit trips per day to 2,000. This motion was withdrawn by Council Member Martinez.

The amended motion to hold the public hearing open and approve on first reading townhouse and condominium residence (SF-6) district zoning was approved on Council Member Martinez' motion, Council member Morrison's second on a 7-0 vote. Staff was directed to inform Council on what will be required regarding environmental variances prior to second and third reading.

#### PUBLIC HEARINGS AND POSSIBLE ACTIONS

136. Conduct a public hearing and approve a resolution authorizing the use of approximately 0.1723 acres in fee simple, approximately 4.168 acres for electric transmission lines use, approximately 2.2065 acres for access use and 0.565 acres for temporary construction use for the construction of the LCRA TSC electric transmission line known as the Friendship to Manchaca Transmission line through Austin Water Utility's Water Quality Protection Lands located along the proposed State Hwy. 45 south, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. : All costs associated with construction, as well as any restoration will be paid by requester. Recommended by the Environmental Board and briefed by Water & Wastewater Commission. The public hearing was closed and Resolution No. 20080925-136 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
137. Conduct a public hearing and approve a resolution authorizing use of approximately 3,847 SF (0.088 acre) for a wastewater line and approximately 2,968 SF (0.068 acre) for a temporary work space to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the ACWP - Waller Pedernales Wastewater Improvement Project through dedicated parkland known as the Boggy Creek Greenbelt in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any restoration will be paid by requester. Recommended by Parks and Recreation Board.

The public hearing was closed and Resolution No. 20080925-137 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

138. Conduct a public hearing and consider an ordinance amending City Code Sections 25-1-83 and 30-1-114 regarding applications relating to development over a closed municipal solid waste landfill. Recommended by the Environmental Board on March 19, 2008 and the Code and Ordinance Subcommittee of the Planning Commission on June 17, 2008. Recommended by the Planning Commission on August 12, 2008.

The public hearing was closed and Ordinance No. 20080925-138 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote.

139. Conduct a public hearing and consider an appeal by Helen and Charles Heard, Niyanta and Bill Spelman, and John Mayfield of an administrative site plan (SP-2007-0321C) for a proposed religious assembly/education building for the Hyde Park Baptist Church located at 3901 Speedway.

This item was postponed to November 6, 2008 on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

141. Conduct a public hearing to consider comments on issues related to the Las Cimas Annexation Area (Approximately 83 acres in Travis County southwest of the intersection of Loop 360 and FM 2244).

The public hearing was closed on Mayor Pro Tem McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Shade was off the dais.

142. Conduct a public hearing to consider comments on issues related to the limited purpose annexation of the McCarty Tract Annexation Area (Approximately 14 acres in Williamson and Travis Counties east of FM 1325 approximately 960 feet north of the intersection of FM 1325 and Shoreline Drive).

The public hearing was closed on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

143. Conduct a public hearing to consider comments on issues related to the full purpose annexation of the RM 620 Commercial Annexation Area (Approximately 48 acres in Williamson and Travis Counties south of Anderson Mill Road on both east and west sides of RM 620).

The public hearing was closed on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

144. Conduct a public hearing to consider comments on issues related to the full purpose annexation of the Sandy Loam Trail Annexation Area (Approximately 1.9 acres in Travis County north of Anderson Mill Road along Sandy Loam Trail).

The public hearing was closed on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

145. Conduct a public hearing to consider comments on issues related to the full purpose annexation of TSM Ventures Annexation Area (Approximately 23 acres in eastern Travis County southwest of the intersection of Parmer Lane and State Highway 130).

The public hearing was closed on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Martinez was off the dais.

146. Conduct a public hearing to consider comments on issues related to the full purpose annexation of the Anderson Mill Road & RM 620 Right-of-way (ROW) Annexation Area (Approximately 35 acres in Williamson and Travis Counties west of the intersection of Anderson Mill Road and U.S. 183 and north of the intersection of Anderson Mill Road and RM 620)



The public hearing was closed on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.

140. Conduct a public hearing to consider comments on issues related to the full purpose annexation of the Bunny Run Annexation Area (Approximately 6 acres in Travis County south of the intersection of Bunny Run and Live Oak Drive).

The public hearing was closed on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

147. Conduct a public hearing to consider comments on issues related to the full purpose annexation of the Anderson Mill Road & U.S. 183 Annexation Area (Approximately 74 acres in Williamson County northwest of the intersection of Anderson Mill Road and US 183).

This item was postponed to October 16, 2008 on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Martinez was off the dais.

### ZONING DISCUSSION ITEMS CONTINUED

135. C814-2008-0016 - Dell Jewish Community Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the City Code by rezoning property locally known as 7300 Hart Lane (Shoal Creek Watershed) from family residence (SF-3) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Dell Jewish Community Center. Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Amanda Morrow). City Staff: Jerry Rusthoven, 974-3207.

The public hearing was closed and Ordinance No. 20080925-135 for planned unit development (PUD) district zoning with conditions was approved on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote. The motion directed staff to include provisions in the ordinance to incorporate the following:

Part 5, M, 4) should read "The maximum number of tennis courts permitted is eight. Permanent bleachers to accommodate a maximum of 50 people are allowed. The tennis courts may only be lit between 9:00 a.m. and 10:00 p.m. Tennis courts may only be lighted with downward focused lights."

Part 5, D should read "A 100 foot building setback shall be established from the north and west property lines, except for lot 1. On lot 1, all proposed buildings shall be 100 feet from any existing residential structure."

The last paragraph of Part 5, N, 2) should read "Temporary outdoor speakers, other than for religious services purposes on lot 1 within the courtyard and the garden on lot 1, shall be directed toward Hart Lane and Far West Boulevard only and located beyond 400 feet from the north and west property lines. Sound amplification is subject to City of Austin sound ordinance."

Within one year after Certificates of Occupancy are issued for new buildings containing a cumulative total of 185,523 square feet, the owner shall improve the existing sidewalks on Hart Lane as follows: 1) The existing sidewalk on the east side of Hart Lane south of the southernmost driveway to next existing driveway on Hart Lane will be widened to five (5) feet; 2) The existing sidewalk on the west side of Hart Lane north of the southernmost driveway to the north property line will be widened to five (5) feet; 3) A crosswalk shall be painted across Hart Lane between the northernmost and southernmost driveway; 4) No utility relocation is required to add the additional

two (2) feet to the existing sidewalks; 5) A sidewalk 5' in width shall be constructed on the west side of Hart Lane from the northernmost driveway to Greystone Drive; and 6) Approval of the crosswalk will be contingent upon approval of Department of Public Works and Transportation.

1. Add a provision to the PUD that applications for amendment to the PUD may only be filed once each 12 months unless the owner (JCCA) has the approval of the Northwest Austin Civic Association (NWACA) to file "out of cycle" or, in other words, more frequently.
2. Add a provision to the PUD that expands the notification area as follows:
  - a. expand the notification area from persons within 500 feet of the subject property being rezoned to persons within 1,000 feet of the subject property being rezoned; and
  - b. when an application to rezone any portion of the JCCA property is submitted, notification must be sent to persons within 1,000 feet of the boundary of the DJCC Property as it exists today (the "Original PUD Boundary"). In other words, the same properties who received notice of the current PUD zoning would receive notice if any portion of the PUD property were up for rezoning in the future.
3. Add a provision to the PUD that requires the JCCA to notify persons whose properties abut the DJCC on Greystone and Chimney Corners no later than 45 days prior to filing an application for changes to the PUD.

Mayor Wynn adjourned the meeting at 9:00 p.m. without objection.

The minutes for the Regular meeting of September 25, 2008 were approved on this the 2nd day of October 2008 on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.